

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 234.6 and 29C.20B, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 58, “Emergency Assistance,” Iowa Administrative Code.

These proposed amendments restructure the Emergency Assistance programs managed by the Department of Human Services. Within the administrative rules found in Chapter 58, definitions have been added to assist in providing consistent eligibility for both DHS-managed emergency assistance programs: Iowa Disaster Aid Individual Assistance Grant Program (IIAGP) and Iowa Disaster Case Management (IDCM) program. Additionally, grant amount guidelines have been updated. Amendments have also been proposed in this rule making for implementation of the IDCM program as authorized by Iowa Code section 29C.20B. Divisions III, IV, and V of Chapter 58 are rescinded as the programs are no longer in use.

Any interested person may make written comments on the proposed amendments on or before February 7, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review, these amendments may have an impact on private sector jobs, specifically in the areas where organizations may provide materials or services to disaster victims.

These amendments are intended to implement Iowa Code sections 234.6 and 29C.20B.

The following amendments are proposed.

ITEM 1. Adopt the following new definitions in rule **441—58.1(29C)**:

“*Bona fide residence*” or “*bona fide address*,” as set forth in Iowa Code section 321.1(6C), means the pre-disaster street or highway address of an individual’s dwelling or dwelling unit. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in Iowa Code section 48A.2(2).

“*Dwelling*” or “*dwelling unit*” means the structure in which a household resides. “Dwelling” or “dwelling unit” includes permanent structures, mobile homes, manufactured homes, modular homes, fifth-wheel travel trailers, travel trailers, and motor homes in which a household resides.

“*Fifth-wheel travel trailer*,” as set forth in Iowa Code section 321.1(36C)(c), means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed 45 feet. If the vehicle is used in this state as a place of human habitation for more than 90 consecutive days in one location, the vehicle shall be classed as a manufactured or mobile home regardless of the size limitations provided in this definition.

“*Home*” means the pre-disaster dwelling or dwelling unit for a household.

“*Manufactured home*” or “*modular home*,” as set forth in Iowa Code section 321.1(36B), is a factory-built structure constructed under authority of 42 U.S.C. §5403, which is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

“Manufactured or mobile home,” as set forth in Iowa Code section 321.1(36C)(a), means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

“Motor home,” as set forth in Iowa Code section 321.1(36C)(d), means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in paragraph “1,” “4,” or “5” of this definition, of the following permanently installed systems which meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture:

1. Cooking facilities.
2. Ice box or mechanical refrigerator.
3. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
4. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.
5. Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

6. A 110- to 115-volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply. If the vehicle is used in this state as a place of human habitation for more than 90 consecutive days in one location, the vehicle shall be classed as a manufactured or mobile home regardless of the size limitations provided in this definition.

“Owner” means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the property. *“Owner”* includes a mortgagee in possession.

“Rent” means an amount paid to the landlord under the rental agreement.

“Tenant” means a person or persons entitled under a rental agreement to occupy a dwelling or dwelling unit to the exclusion of others.

“Travel trailer,” as set forth in Iowa Code section 321.1(36C)(b), means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to 8 feet, 6 inches in width and its overall length shall not exceed 45 feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than 90 consecutive days in one location, the vehicle shall be classed as a manufactured or mobile home regardless of the size limitations provided in this definition.

ITEM 2. Adopt the following **new** subrule 58.2(3):

58.2(3) Program extensions.

- a. The program may be extended beyond 120 days through an extension of the governor’s disaster proclamation; or
- b. The program may be extended in 30-day intervals requested by the applicant household through the contracted entity and approved by the department.

ITEM 3. Amend rule 441—58.4(29C) as follows:

441—58.4(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

58.4(1) The household’s bona fide residence was located in the area identified in the disaster declaration during the designated incident period and the household verifies occupancy at that residence.

58.4(2) to 58.4(5) No change.

58.4(6) Household eligibility for home repair assistance for a dwelling or dwelling unit damaged due to a proclaimed disaster is only available for a household that owns and occupies the dwelling or dwelling unit being repaired.

ITEM 4. Rescind subrule 58.5(1) and adopt the following **new** subrule in lieu thereof:

58.5(1) Personal property and food assistance may be issued for damage to personal property or loss of food, including the following items, based on the item's condition:

- a. Kitchen items, excluding large appliances up to a maximum of \$560, including:
 - (1) Small appliances, e.g., toaster, blender, microwave, and
 - (2) Furnishings (e.g., tables, chairs).
- b. Large kitchen appliances or laundry appliances, up to a maximum of \$700 per appliance and a maximum per household not to exceed \$2,800, if the appliances are owned by the household and not a landlord.
- c. Food, up to a maximum of \$50 for one person plus \$25 for each additional person in the household.
- d. Personal hygiene items, up to a maximum of \$30 per person and \$150 per household.
- e. Bedroom furnishings, up to \$500 per person.
- f. Clothing, up to a maximum of \$145 per person.
- g. Living area furnishings, such as: couch, chair, end tables, and television, up to a maximum of \$1,000.
- h. Other items, including:
 - (1) Dehumidifier, up to a maximum of \$250.
 - (2) One window air conditioner, up to a maximum of \$250.
- i. Vehicle repair, up to a maximum of \$500.

ITEM 5. Amend subrule 58.5(2) as follows:

58.5(2) ~~Assistance~~ Home repair assistance may be issued for home repair for an owner-occupied dwelling or dwelling unit as needed to make the ~~home~~ dwelling or dwelling unit safe, sanitary, and secure, up to a maximum of \$5,000.

- a. Assistance will be denied if preexisting conditions are the cause of the damage.
- b. Assistance may be authorized for:
 - (1) The repair of structural components, such as the foundation and roof.
 - (2) The repair of floors, walls, ceilings, doors, windows, and carpeting of essential interior living space that was occupied at the time of the disaster.
 - (3) Debris removal, including trees, up to a maximum of \$1,000.
 - (4) ~~Replacement or repair of other items of necessity as approved by the department on a case-by-case basis up to a maximum of \$5,000.~~
- c. Repairs to rental ~~property~~ dwelling or dwelling units or landlord-owned equipment are excluded under this program.
- d. Bathroom, up to a maximum of \$1,500, including toilet, sink, and tub/shower.
- e. Sump pump (in a flood event only), up to a maximum of \$200 installed.
- f. Electrical or mechanical repairs, up to a maximum of \$2,000.
- g. Water heater, up to a maximum of \$1,500 installed.
- h. Heating systems, up to a maximum of \$2,100 installed.
- i. Air-conditioning systems, up to a maximum of \$2,100 installed.
- j. Water well repair for dwellings or dwelling units with no other source of water available, up to a maximum of \$2,000.
- k. Water softener repair, up to a maximum of \$500.

ITEM 6. Amend subrule 58.5(3) as follows:

58.5(3) ~~Assistance~~ Temporary housing assistance may be issued ~~for temporary housing assistance to~~ a household, up to a limit of \$50 \$65 per day, for lodging at a licensed establishment, such as a hotel or motel, if the household's home is must be considered to be destroyed, uninhabitable, inaccessible,

or unavailable to the household. Temporary housing assistance may also be granted for deposits for a new dwelling. Total temporary housing assistance may not exceed \$2,500.

ITEM 7. Adopt the following **new** subrule 58.5(4):

58.5(4) Replacement, repair, or provision of other items of necessity may be approved by the department on a case-by-case basis, up to a maximum of \$5,000.

ITEM 8. Amend subrule 58.6(1) as follows:

58.6(1) The contracted ~~administrative~~ entity or designee shall confirm that the bona fide address provided on the application is a valid address and is reasonably believed to be in the disaster-affected area. The department or contracted entity reserves the right to view the damaged property prior to providing any assistance pursuant to IIAGP.

ITEM 9. Amend paragraph **58.7(1)“b”** as follows:

b. To request reconsideration, the household shall submit a written request to the DHS ~~Office of the Director~~ Division of Field Operations—Emergency Assistance, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the letter notifying the household of the department’s decision.

ITEM 10. Adopt the following **new** Division II title in **441—Chapter 58**:

DIVISION II
IOWA DISASTER CASE MANAGEMENT

ITEM 11. Adopt the following **new** rules 441—58.21(29C) to 441—58.31(29C):

441—58.21(29C) Purpose. The purpose of these rules is to guide the provision of the Iowa disaster case management (IDCM) program during the time of emergency disaster for individual assistance when a disaster is proclaimed by the governor of the state of Iowa.

441—58.22(29C) Definitions.

“*Contracted entity*” means an entity chosen by the department as the contracted administrator for the IDCM program.

“*Emergency management coordinator*” means the person appointed by the local emergency management commission pursuant to Iowa Code sections 29C.9 and 29C.10 to be responsible for development of the countywide emergency operations plan and for coordination and assistance to government officials when an emergency or disaster occurs.

“*Household*” means all adults and children who lived in the pre-disaster residence who request assistance, as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

“*Necessary services*” means the guidance and advice in obtaining a service, or assistance in obtaining resources from various providers for any other activity that addresses a serious need.

441—58.23(29C) Program implementation.

58.23(1) Disaster proclamation. The Iowa disaster case management (IDCM) program shall be implemented when the governor issues a proclamation of a state of emergency disaster that authorizes individual assistance.

a. The program shall be in effect only in those counties named in the proclamation. Assistance for a state-only proclamation shall be provided for a period of up to 180 days from the date of proclamation.

b. A request for an additional 90-day extension to the period of performance will be considered when adequate justification is presented to the department.

c. The program shall commence on the day following proclamation of a disaster by the governor and remain in effect through 180 days even if the disaster becomes a presidentially proclaimed disaster that authorizes individual assistance.

d. The period of performance for presidentially proclaimed disaster is 24 months from the date of the presidential proclamation.

e. The reporting of the numbers of contacts, cases opened, cases pending, cases closed, and other required reports requested by the department shall be submitted weekly on a day determined by the department.

f. Audits of disaster case files, as well as cost management and expenditures, may be randomly performed by the department without notice.

58.23(2) Contracting. The administrative entity currently under contract for the Iowa disaster aid individual assistance grant program (IIAGP) shall receive an amended contract to specify administration of the IDCM program.

a. Future contract renewals shall be inclusive with the IIAGP and as amended to include the IDCM program.

b. If a local contracted entity is under contract with the state to provide other services or is implementing a state or federal program and the contract contains a sufficient surety bond or other adequate financial responsibility provision, the department shall accept the existing surety bond or financial responsibility provisions in lieu of applying a new or additional surety bond or financial responsibility requirement.

c. The contracted entity shall coordinate activities with emergency management coordinators and voluntary organizations active in the disaster while the program is active. The contracted entity may subcontract with other entities to provide disaster case management with the approval of the department.

441—58.24(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

58.24(1) The household's residence was located in the area identified in the disaster proclamation during the designated incident period and the household verifies occupancy at that residence.

58.24(2) Household members are citizens of the United States or are legally residing in the United States.

58.24(3) The household has disaster-related needs that represent a burden that the family is unable to resolve.

441—58.25(29C) Services. Disaster case management is a time-limited resource and process that involves a partnership between a case manager and a household impacted by a disaster (also known as a client) to develop and carry out a disaster recovery plan. This partnership provides the client with a single point of contact to facilitate access to a broad range of resources, promoting sustainable assistance for individuals and a household's recovery. These services are client-focused and provided in a manner consistent with standards for trauma-informed practice in human services.

441—58.26(29C) Disaster-caused unmet needs. A disaster-caused unmet need is an unresourced item, support, or assistance that has been assessed by a representative from a local, state, tribal, federal agency, voluntary, or faith-based organization and that is needed for the client to recover from the disaster. Unmet disaster-caused needs may also include basic and immediate needs, such as food, clothing, shelter, or first aid, and long-term needs, such as financial, physical, emotional or spiritual well-being.

441—58.27(29C) Resources. Applicable resources may include, but not be limited to, insurance payments, state assistance, voluntary/faith-based and local community assistance, federal disaster assistance, small business administration loans, and personal resources.

441—58.28(29C) Standards and policies.

58.28(1) Access. The contracted entity shall provide clients with ease of access to disaster case management services.

58.28(2) Confidentiality and duplications of benefits.

a. The contracted entity shall have policies and procedures to meet requirements regarding maintaining confidentiality set forth by the department.

b. The contracted entity shall develop memorandums of agreement, memorandums of understanding, and release of information that will allow coordinated case advocacy and services and prevent the duplication of benefits.

58.28(3) *Engagement.* The case manager shall create a sustainable, trusting partnership with the client.

58.28(4) *Screening.* The case manager shall perform screening to determine eligibility and disaster-related unmet needs.

58.28(5) *Intake and assessment.* The case manager shall perform intake and assessment procedures to triage disaster-related needs of eligible households.

a. A case manager shall conduct an assessment specifically seeking targeted information to identify a client's disaster-related needs.

b. An assessment should focus on planning for recovery and meeting recovery goals.

c. An assessment should be conducted in person, when feasible, and should follow all standards for confidentiality and engagement.

58.28(6) *Recovery planning.*

a. A recovery plan should outline tasks for both the client and case manager based on an assessment and documentation of needed services.

b. The plan should identify priority needs and connect the client with resources, establish benchmarks and goals to measure progress toward recovery, and outline a case closure procedure.

c. The plan should be a joint effort between the case manager and the client.

d. The case manager should explain the available options, the resource and recovery alternatives, and the support services offered by the case manager.

58.28(7) *Action and advocacy.* The case manager's role in recovery includes: providing, referring or arranging for needed services and resources; verifying unmet needs, completing documentation and checking duplication of benefits; and actively advocating for the client through presentation, participation in recovery groups and interface with government and nongovernment resource providers.

58.28(8) *Monitoring.* Monitoring the services allows the case manager to keep documents up to date, to determine if the chosen resources are providing the services needed, and to evaluate whether adjustments are needed.

58.28(9) *Closure.*

a. Closure procedures should be outlined in the recovery plan and the roles and responsibilities of the client and case manager clearly defined.

b. Case closure acknowledges the recovery goals achieved, recognizes the progress made toward unmet goals, and identifies needed resources to continue progress.

441—58.29(29C) Planning and training. Training shall adhere to the disaster case management criteria, as prescribed by the Federal Administration for Children and Families, and follow the disaster case management guidelines as designed by the Iowa disaster human resource council or the approved rules of the department. The department shall request from the executive council of the state of Iowa funds to perform training in disaster case management as requested and required to prepare for disaster response.

441—58.30(29C) Payment for services.

58.30(1) The department will negotiate payment with the contracted entity when the contract is established. Payment will be based on the contracted entity's actual direct and indirect costs.

58.30(2) The department will accept the contracted entity's federally approved indirect cost rates as required by the federal Office of Management and Budget (OMB).

58.30(3) The local administrative entity may draw down grant funding to pay valid claims on at least a weekly basis.

58.30(4) Exhaustion of funds. The program shall be discontinued when the funds available for the program have been exhausted. The department will notify the contracted entity of the total available funds for the IDCM program once funds have been approved by the executive council. To ensure

equitable treatment, assistance shall be approved on a first-come, first-served basis until all funds have been exhausted.

441—58.31(29C) Contested cases.

58.31(1) *Reconsideration.*

- a.* The household may request reconsideration of decisions regarding eligibility.
- b.* To request reconsideration, the household shall submit a written request to the DHS Division of Field Operations—Emergency Assistance, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the letter notifying the household of the contracted entity’s decision.
- c.* The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days of receipt of the request.

58.31(2) *Appeal.* The household may appeal the department’s reconsideration decision according to procedures in 441—Chapter 7.

a. Appeals must be submitted in writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information, to the DHS Appeals Section, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the reconsideration decision.

b. A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the agency.

These rules are intended to implement Iowa Code sections 234.6 and 29C.20B.

ITEM 12. Reserve rules **441—58.32** to **441—58.40**.

ITEM 13. Rescind rules **441—58.41(217)** to **441—58.45(249A)**.

ITEM 14. Rescind **441—Chapter 58, Division IV** preamble, and rules **441—58.51(234)** to **441—58.58(234)**.

ITEM 15. Rescind **441—Chapter 58, Division V** preamble, and rules **441—58.61(234)** to **441—58.68(234)**.